

**CITY OF AUSTIN  
Board of Adjustment  
Decision Sheet**

**DATE: Monday May 13, 2019**

**CASE NUMBER: C15-2019-0016**

- Y Ada Corral
- N William Burkhardt
- N Darryl Pruett
- Y Eric Goff
- Y Melissa Hawthorne
- Y Yasmine Smith
- Y Don Leighton-Burwell
- Y Rahm McDaniel
- Martha Gonzalez (Alternate)
- Y Veronica Rivera
- Y Jessica Cohen
- N Michael Von Ohlen
- Kelly Blume (Alternate)
- Alternate (Vacant)

**APPLICANT: Jim Witliff**

**OWNER: Alvin Momin**

**ADDRESS: 13414 HARRISGLENN DR**

**VARIANCE REQUESTED:** The applicant has requested a variance(s) to Section 25-2-814 (Service Station Use) (3) to increase the queue lanes from 8 (required, permitted) to 12 (requested) in order to add a retail gas service station in a "GR" Community Commercial zoning district.

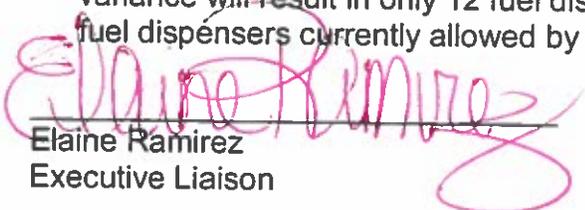
**BOARD'S DECISION:** April 8, 2019 The public hearing was closed by Chair William Burkhardt, Board Member Michael Von Ohlen motion to Grant, Board Member Veronica Rivera second on an 8-3 vote (Board members Darryl Pruett, Eric Goff and Yasmine Smith nay); **DENIED DUE TO LACK OF VOTES.**

**RECONSIDERATION REQUEST:** May 13, 2019 Board Member Melissa Hawthorne motion to hear reconsideration request, Board Member Michael Von Ohlen second on an 11-0 vote; **GRANTED TO HEAR THE RECONSIDERATION REQUEST.**The public hearing was closed by Chair William Burkhardt, Board Member Veronica Rivera motion to Postpone to July 8, 2019, Board Member Ada Corral second on a 8-3 vote (Board members William Burkhardt, Darryl Pruett and Michael Von Ohlen nay); **POSTPONED TO JULY 8, 2019.**

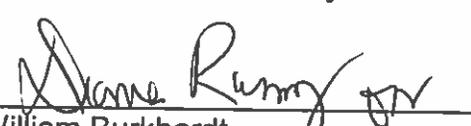
**EXPIRATION DATE:**

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the queue lane example listed in Appendix H of the Transportation Criteria Manual is outdated fuel dispensing alignment with 16 pumps and 8 queue lanes.
2. (a) The hardship for which the variance is requested is unique to the property in that: the size and configuration of the lot does not allow adequate room to design the proposed service station with the City's outdated dispenser configuration which also creates health and safety concern egress and ingress in alignment of vehicles  
(b) The hardship is not general to the area in which the property is located because: this fuel pump alignment design is now used on most new service stations, furthermore there are only a few service stations within any geographic area, design will have only 12 fuel dispensers, City Code allows up to 16 fuel dispensers on a site.
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because: the variance will result in only 12 fuel dispensers on the site, which is only 75% of the fuel dispensers currently allowed by code.



Elaine Ramirez  
Executive Liaison



William Burkhardt  
Chairman

**CITY OF AUSTIN  
Board of Adjustment  
Decision Sheet**

**DATE: Monday April 08, 2019**

**CASE NUMBER: C15-2019-0016**

- Y  Ada Corral
- Y  William Burkhardt
- N  Darryl Pruett
- N  Eric Goff
- Y  Melissa Hawthorne
- N  Yasmine Smith
- Y  Don Leighton-Burwell
- Rahm McDaniel OUT
- Y  Martha Gonzalez (Alternate) RM
- Y  Veronica Rivera
- Y  James Valdez
- Y  Michael Von Ohlen
- Kelly Blume (Alternate) OUT
- Alternate (Vacant)

**APPLICANT: Jim Witliff**

**OWNER: Alvin Momin**

**ADDRESS: 13414 HARRISGLENN DR**

**VARIANCE REQUESTED: The applicant has requested a variance(s) to Section 25-2-814 (Service Station Use) (3) to increase the queue lanes from 8 (required, permitted) to 12 (requested) in order to add a retail gas service station in a "GR" Community Commercial zoning district.**

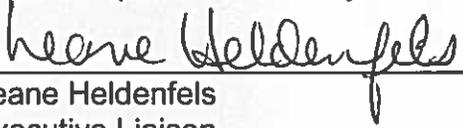
**BOARD'S DECISION: The public hearing was closed on Board Member Michael Von Ohlen motion to Grant, Board Member Veronica Rivera second on an 8-3 vote (Board members Darryl Pruett, Eric Goff and Yasmine Smith nay); DENIED DUE TO LACK OF VOTES.**

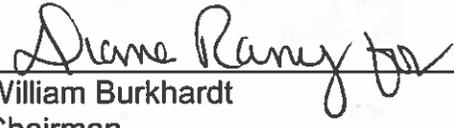
**EXPIRATION DATE: APRIL 8, 2020**

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the queue lane example listed in Appendix H of the Transportation Criteria Manual is outdated fuel dispensing alignment with 16 pumps and 8 queue lanes.
2. (a) The hardship for which the variance is requested is unique to the property in that: the size and configuration of the lot does not allow adequate room to design the proposed service station with the City's outdated dispenser configuration which also creates health and safety concern egress and ingress in alignment of vehicles

- (b) The hardship is not general to the area in which the property is located because: this fuel pump alignment design is now used on most new service stations, furthermore there are only a few service stations within any geographic area, design will have only 12 fuel dispensers, City Code allows up to 16 fuel dispensers on a site.
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because: the variance will result in only 12 fuel dispensers on the site, which is only 75% of the fuel dispensers currently allowed by code.

  
\_\_\_\_\_  
Leane Heldenfels  
Executive Liaison

  
\_\_\_\_\_  
William Burkhardt  
Chairman

April 18, 2019

William Burkhardt, Chair  
Austin Board of Adjustment  
City of Austin  
P.O. Box 1077  
Austin, Texas 78767

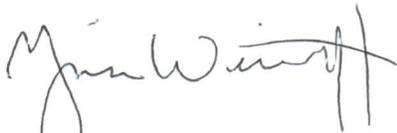
Subject: Request for Reconsideration; Case #C15-2019-0016

Dear Chairman Burkhardt:

We are requesting a reconsideration of the decision the Board reached for this case on April 8, 2019. We feel a reconsideration is appropriate, because we are providing new hardhsip evidence.

Thank you for your consideration of this request. I have already paid the City's \$282.88 renotification fee.

Sincerely,



Jim Wittliff



# CITY OF AUSTIN

Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

# R-1/6

## Board of Adjustment General/Parking Variance Application

**WARNING: Filing of this appeal stops all affected construction activity.**

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. ***If more space is required, please complete Section 6 as needed.*** All information is required (if applicable).

### For Office Use Only

Case # \_\_\_\_\_ ROW # \_\_\_\_\_ Tax # \_\_\_\_\_

### Section 1: Applicant Statement

Street Address: 13414 Harrisglenn Drive, Austin Texas 78753

Subdivision Legal Description:

Lot 1, Block L less 1.175 ac Harris Ridge Phase 1 Section IV

Lot(s): 1 Block(s): B

Outlot: \_\_\_\_\_ Division: \_\_\_\_\_

Zoning District: GR

I/We Jim Wittliff/Land Answers, Inc. on behalf of myself/ourselves as authorized agent for Index Real Estate, LLC affirm that on Month February, Day 14, Year 2019, hereby apply for a hearing before the Board of Adjustment for consideration to (select appropriate option below):

Erect    Attach    Complete    Remodel    Maintain    Other: \_\_\_\_\_

Type of Structure: A total of 12 queue lanes for a service station.

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

25-2-814, which limits vehicle queue lanes to a maximum of eight.

**Section 2: Variance Findings**

The Board must determine the existence of, sufficiency of, and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional supporting documents.

**NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.**

I contend that my entitlement to the requested variance is based on the following findings:

**Reasonable Use**

The zoning regulations applicable to the property do not allow for a reasonable use because:

The queue lane example listed in Appendix H of the Transportation Criteria Manual (attached) shows an outdated fuel dispensing alignment with up to 16 pumps and up to 8 queue lanes. Modern service station design uses the "dive" concept for maximum safety and accessibility. We are proposing 6 fuel pump islands, with one fuel dispenser on each side, which will require 12 queue lanes.

**Hardship**

a) The hardship for which the variance is requested is unique to the property in that:

Due to the 50 foot driveway throat length requirement from Howard Lane, and the 40 foot driveway throat length for Harrislglenn Drive, we are unable to utilize a significant portion of the street frontage of this site for required circulation around the fuel dispensers. Additionally, The City's outdated fuel dispensing alignment has proven to be less safe for customers and creates poorer air quality, due to excessive idling for queueing vehicles. (cont'd on pg. 7)

b) The hardship is not general to the area in which the property is located because:

This fuel pump alignment design is now used on most new service stations. Furthermore, there are only a few service stations within any geographic area. Our proposed design will have only 12 fuel dispensers. City Code allows up to 16 fuel dispensers on a site, provided the old fuel pump alignment design is utilized.

## Area Character

The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

This variance will result in only twelve fuel dispensers on the site, which is only 75% of the fuel dispensers currently allowed by Code. The drive alignment has proven to be safer and more efficient, resulting in less necessary manouvering, and less idling time by vehicles in queue lanes.

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## Parking (additional criteria for parking variances only)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed in the City of Austin Land Development Code Chapter 25-6, Appendix A with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specific regulation because:

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2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

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3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

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4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

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**Section 3: Applicant Certificate**

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Applicant Signature: [Signature] Date: 02/14/2019

Applicant Name (typed or printed): Jim Wittliff

Applicant Mailing Address: 3606 Winfield cove

City: Austin State: Texas Zip: 78794

Phone (will be public information): (512) 416-6611

Email (optional – will be public information): [Redacted]

**Section 4: Owner Certificate**

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Owner Signature: [Signature] Date: 02/14/2019

Owner Name (typed or printed): INDEX Real Estate, LLC

Owner Mailing Address: 1610Ohlen Road

City: Austin State: Texas Zip: 78758

Phone (will be public information): \_\_\_\_\_

Email (optional – will be public information): \_\_\_\_\_

**Section 5: Agent Information**

Agent Name: Jim Wittliff/Land Answers, Inc.

Agent Mailing Address: 3606 Winfield Cove

City: Austin State: Texas Zip: 78704

Phone (will be public information): \_\_\_\_\_

Email (optional – will be public information): \_\_\_\_\_

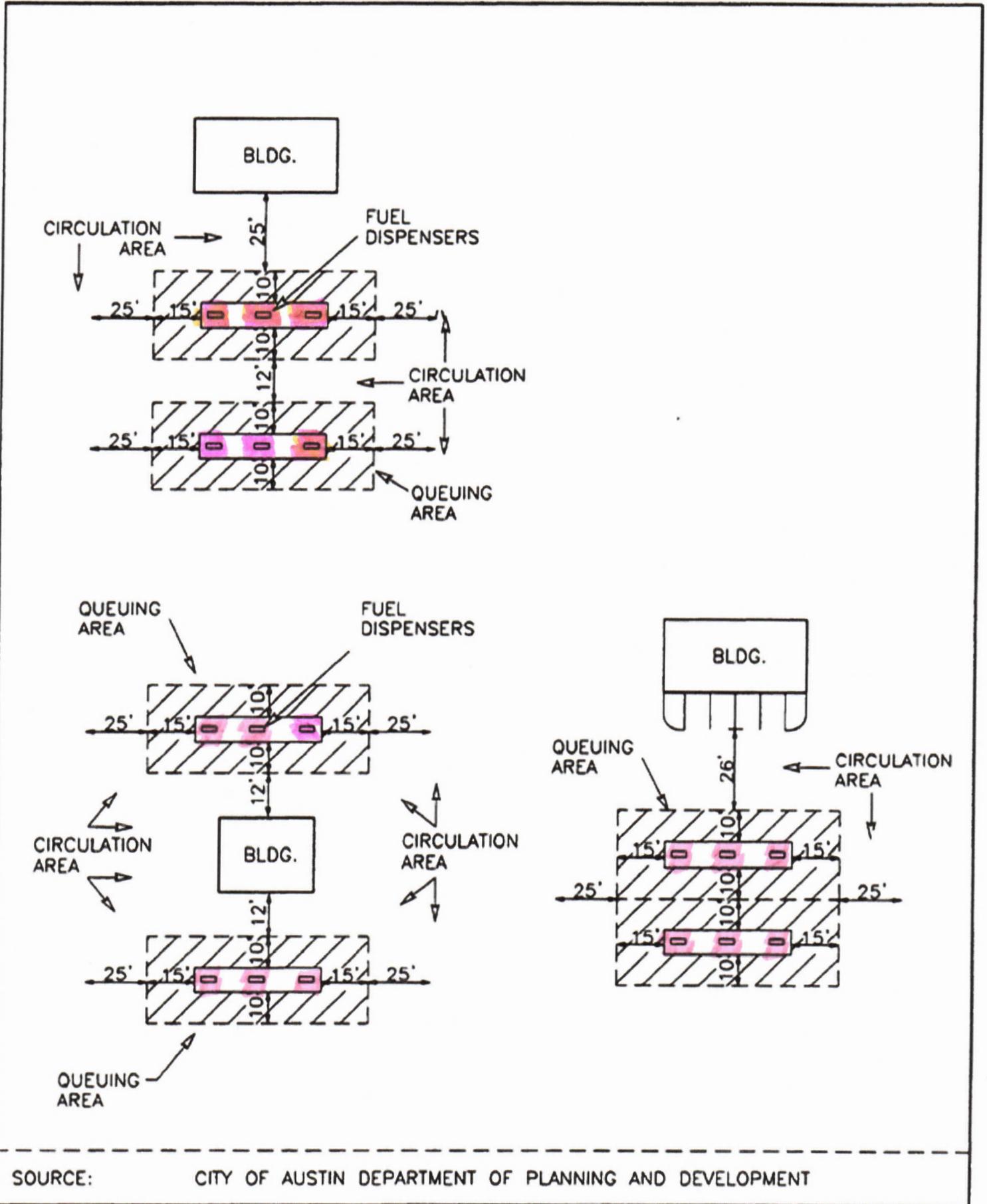
**Section 6: Additional Space (if applicable)**

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

a) Also, our proposed alignment will minimize the possibility that waiting vehicles will queue out into the ROW. Our engineer attempted to reconfigure the property using the City's outdated in-line fuel dispensing configuration, and the property's dimensions do not provide adequate room for this alignment.



Figure 9-8 Service Station Queuing



SOURCE: CITY OF AUSTIN DEPARTMENT OF PLANNING AND DEVELOPMENT

## BOA CASE REVIEW SHEET

**CASE:** C15-2019-0016

**BOA DATE:** April 8, 2019

**ADDRESS:** 13414 Harrisglenn Dr.

**COUNCIL DISTRICT:** 7

**OWNER:** Index Real Estate, LLC

**AGENT:** Jim Wittliff

**ZONING:** GR

**AREA:** Lot 1, Block L, less 1.175 ac Harris Ridge Phase 1, Section IV

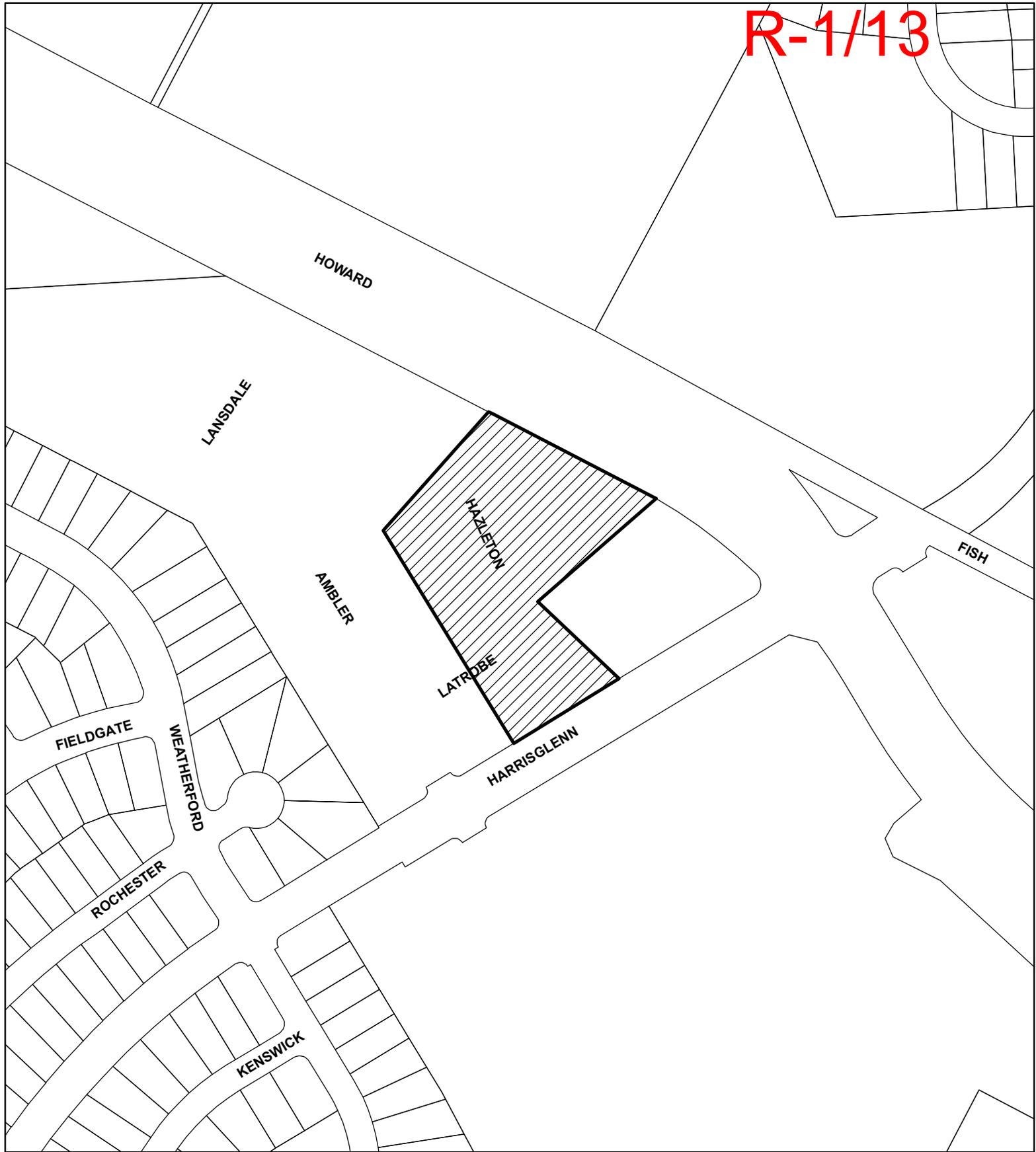
**VARIANCE REQUEST:** 12 que lanes requested, 8 permitted

**SUMMARY:** new service station

**ISSUES:** updated fuel pump design

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	GR	Vacant
<i>North</i>	SF-4A-CO and I-RR	Vacant
<i>South</i>	MF-2-CO	Vacant
<i>East</i>	GR-CO-2	Vacant
<i>West</i>	SF-4A-CO	Vacant

**NEIGHBORHOOD ORGANIZATIONS:** Bike Austin; Friends of Austin Neighborhoods; Harris Ridge Owner's Association; Harris Ridge Phase IV; Homeless Neighborhood Association; Neighborhood Empowerment Foundation; North Growth Corridor Alliance; Pflugerville Independent School District; SEL Texas; Sierra Club, Austin Regional Group; TechRidge Neighbors; Yager Planning Area



**NOTIFICATIONS**

CASE#: C15-2019-0016  
LOCATION: 13414 Harrisglenn Drive



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY



1" = 223'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

4/8 AGENDA

R-1/14  
COPY



# CITY OF AUSTIN

Development Services Department  
One Texas Center | Phone: 512.978.4000  
505 Barton Springs Road, Austin, Texas 78704

## Board of Adjustment General/Parking Variance Application

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Lot 1, Block L less 1.175 ac Harris Ridge Phase 1 Section IV

Lot(s): 1 Block(s): L

Outlot: \_\_\_\_\_ Division: \_\_\_\_\_

Zoning District: GR

I/We Jim Wittliff/Land Answers, Inc. on behalf of myself/ourselves as

authorized agent for INDEX REAL ESTATE, LLC affirm that on

Month February, Day 14, Year 2019, hereby apply for a hearing before the

Board of Adjustment for consideration to (select appropriate option below):

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25-2-814, which limits vehicle queue lanes to a maximum of eight.

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**NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.**

I contend that my entitlement to the requested variance is based on the following findings:

**Reasonable Use**

The zoning regulations applicable to the property do not allow for a reasonable use because:

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**Hardship**

a) The hardship for which the variance is requested is unique to the property in that:

The size and configuration of the lot does not allow adequate room to design the proposed service station with the City's outdated in-line fuel dispenser configuration.

b) The hardship is not general to the area in which the property is located because:

This fuel pump alignment design is now used on most new service stations. Furthermore, there are only a few service stations within any geographic area. Our proposed design will have only 6 fuel dispensers. City Code allows up to 16 fuel dispensers on a site, provided the old fuel pump alignment design is utilized.

**Area Character**

The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

This variance will result in only six fuel dispensers on the site, which is only 37.5% of the fuel dispensers currently allowed by Code. The drive alignment has proven to be safer and more efficient, resulting in less idling time by vehicles in queue lanes.

**Parking** (additional criteria for parking variances only)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed in the City of Austin Land Development Code Chapter 25-6, Appendix A with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

- 1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specific regulation because:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Section 3: Applicant Certificate**

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Applicant Signature: [Handwritten Signature] Date: 02/14/2019

Applicant Name (typed or printed): Jim Wittliff

Applicant Mailing Address: 3606 Winfield cove

City: Austin State: Texas Zip: 78794

Phone (will be public information): (512) 416-6611

Email (optional – will be public information): [Redacted]

**Section 4: Owner Certificate**

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Owner Signature: [Handwritten Signature] Date: 02/14/2019

Owner Name (typed or printed): INDEX REAL ESTATE LLC

Owner Mailing Address: 1610 OHLEN RD

City: Austin State: Texas Zip: 78758

Phone (will be public information): \_\_\_\_\_

Email (optional – will be public information): \_\_\_\_\_

**Section 5: Agent Information**

Agent Name: Jim Wittliff/Land Answers, Inc.

Agent Mailing Address: 3606 Winfield Cove

City: Austin State: Texas Zip: 78704

Phone (will be public information): \_\_\_\_\_

Email (optional – will be public information): \_\_\_\_\_

**Section 6: Additional Space (if applicable)**

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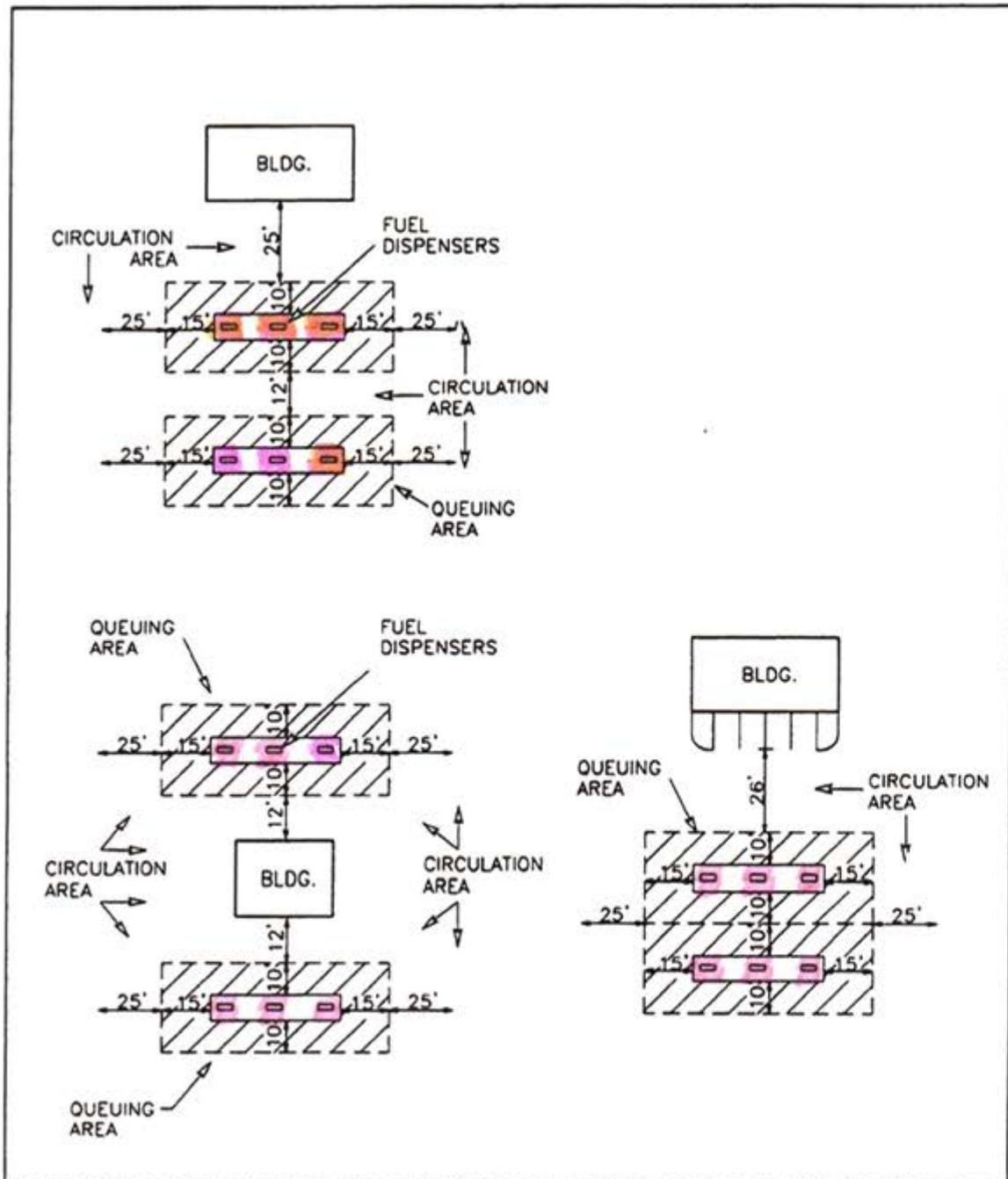
13414 Harrisglenn Drive

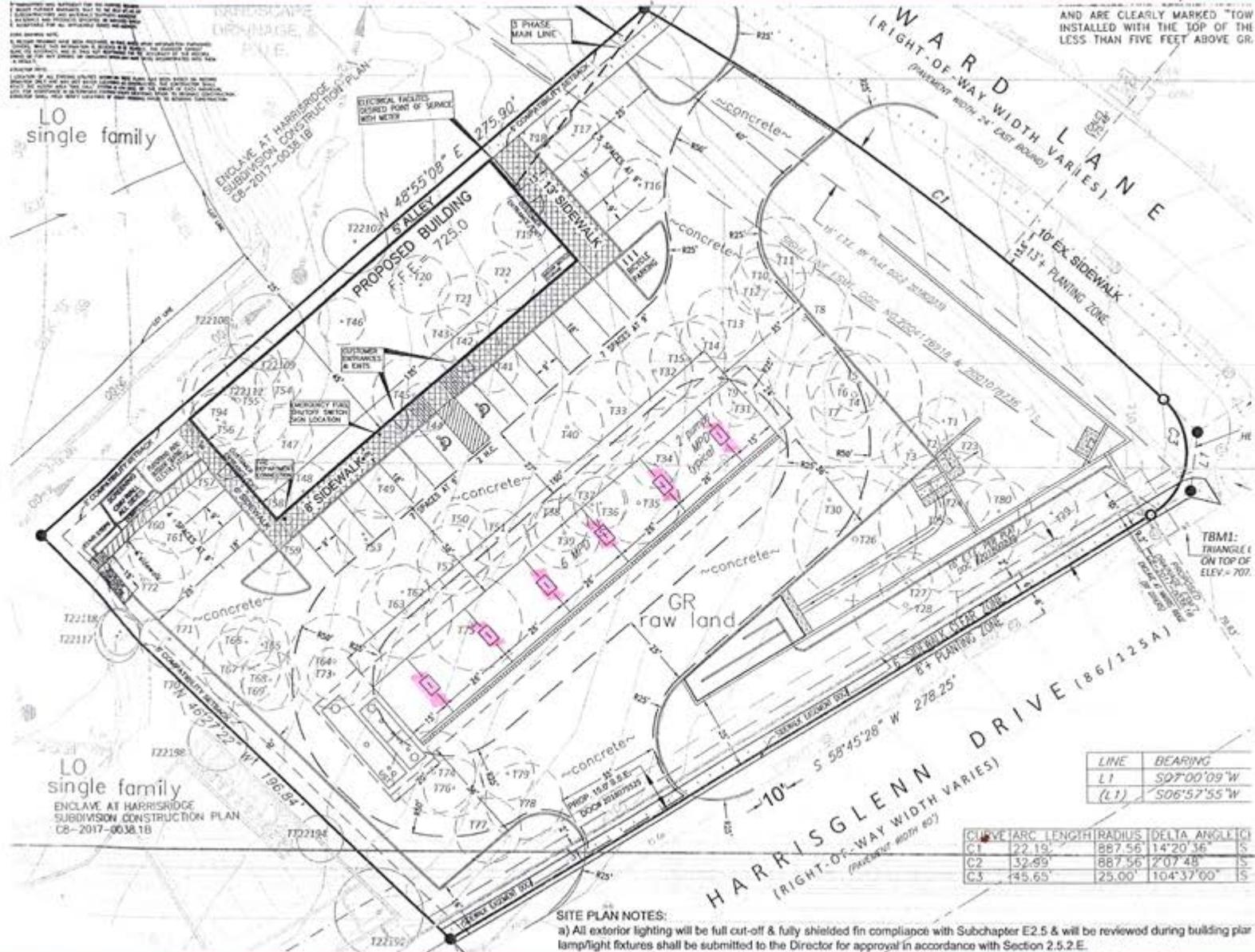
C15-2019-0016

## § 25-2-814 - SERVICE STATION USE.

- ▶ A service station use:
- ▶ (1) must be screened from the street by a building or a landscape buffer that includes shade trees;
- ▶ (2) may not have more than 16 fuel dispensers; and
- ▶ (3) may not have more than eight vehicle queue lanes.
- ▶ **Source: Ord. 20060831-068; Ord. 20110804-008.**

# Figure 9.8 Service Station Queuing





LO single family

LO single family  
ENCLAVE AT HARRISBRIDGE  
SUBDIVISION CONSTRUCTION PLAN  
CB-2017-0038.1B

ENCLOSURE AT HARRISBRIDGE  
SUBDIVISION CONSTRUCTION PLAN  
CB-2017-0038.1B

# IH 35 and Ben White 12 pumps; 12 queue lanes



# Brodie and Davis

10 pumps; 10 queue lanes



51<sup>st</sup> and Berkman  
20 pumps; 10 queue lanes



# Riverside and Wickersham 10 pumps; 10 queue lanes



1626 and IH 35  
16 pumps; 16 queue lanes



# Ben White and Congress 12 pumps; 12 queue lanes



# Rutherford East of IH 35

12 pumps; 12 queue lanes



# Southpark Meadows

12 pumps; 12 queue lanes

